

Amend Section 80019 to read:

80019 CRIMINAL RECORD CLEARANCE (Continued)

80019

(b) (Continued)

(6) The following persons in homes certified by licensed Foster Family Agencies:

- (A) Adult friends and family of the certified foster parent, who come into the home to visit for a length of time no longer than one month, provided they are not left alone with the foster children. However, the certified foster parent, acting as a reasonable and prudent parent, as defined in paragraph (2) of subdivision (a) of Section 362.04 of the Welfare and Institutions Code, may allow his or her adult friends and family to provide short-term care to the foster child and act as an appropriate occasional short-term babysitter for the child.
- (B) Parents of a foster child's friends when the child is visiting the friend's home and the friend, certified foster parent or both are also present. However, the certified foster parent, acting as a reasonable and prudent parent, may allow the parent of the foster child's friends to act as an appropriate short-term babysitter for the child without the friend being present.
- (C) Individuals who are engaged by any certified foster parent to provide short-term babysitting to the child for periods not to exceed 24 hours. Certified foster parents shall use a reasonable and prudent parent standard in selecting appropriate individuals to act as appropriate occasional short-term babysitters.

(~~6~~ 7) (Continued)

(~~7~~ 8) (Continued)

(~~8~~ 9) (Continued)

(~~9~~ 10) (Continued)

- (g) Violation of Section 80019(e) will result in an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.

- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (12) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 152248. (Continued)
- ~~(j) The Department shall notify the licensee and the affected individual associated with the facility, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.~~
- ~~(k j)~~ (Continued)
- ~~(l k)~~ (Continued)
- ~~(m l)~~ (Continued)

Authority Cited: Section 1530 and 1548(e), Health and Safety Code.

Reference: Sections 1503.5, 1505, 1508, 1522, 1531, 1533, 1538, 1540, 1540.1, 1541, 1547, 1548 and 1549, ~~and 14564~~, Health and Safety Code.

Amend Section 80019.1 to read:

80019.1 CRIMINAL RECORD EXEMPTIONS (Continued)

80019.1

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 80019.1(c)(4). The Department will ~~send a written notice to~~ notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list ~~that lists~~ the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty five (45) days of the date of the Department's notice.

(1 A) (Continued)

(2 B) (Continued)

(3 C) (Continued)

(4 D) ~~Except for certified foster parents,~~ Individuals may request a criminal record exemption on their own behalf if the licensee or license applicant:

~~(A)~~ 1. (Continued)

~~(B)~~ 2. Chooses not to employ or t~~Terminates~~ the individual's employment ~~because~~ after receiving notice of the individual's criminal history or

~~(C)~~ 3. Removes the individual who resides in the facility ~~because~~ after receiving notice of the individual's criminal history. (Continued)

(h) (Continued)

(1) Exemption denial notices shall specify the reason the exemption was denied. (Cont.)

Authority Cited: Section ~~1522 and~~ 1530, Health and Safety Code.

Reference: Sections 1522 and 1531 ~~and~~ 14564, Health and Safety Code, and Gresher v. Anderson (2005) 127 Cal. App. 4<sup>th</sup> 88.

Amend Section 80054 to read:

- (b) Notwithstanding Section 80054(a) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1522(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 80019(e) prior to ~~the individual's employment, residence or initial presence working, residing or volunteering~~ in the facility.
- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 152248.
- (23) (Continued)

Authority Cited: Section 1530 and 1548, Health and Safety Code.

Reference: Sections 1522, 1534, and 1548, Health and Safety Code.

Amend Section 87219 to read:

87219 CRIMINAL RECORD CLEARANCE (Continued)

87219

(f) Violation of Section 87219(e) will result in an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.

(1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.

(+2) (Continued)

Authority Cited: Section 1569.30 and 1569.49(d), Health and Safety Code.

Reference: Sections 1569.17 and 1569.49, Health and Safety Code; ~~and Section 42001,~~  
~~Vehicle Code.~~

Amend Section 87219.1 to read:

87219.1 CRIMINAL RECORD EXEMPTIONS (Continued)

87219.1

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 87219.1(c)(4). The Department will ~~send a written notice to~~ notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list ~~that lists~~ the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty five (45) days of the date of the Department's notice.

(1 A) (Continued)

(2 B) (Continued)

(3 C) (Continued)

(4 D) (Continued)

(A) 1. (Continued)

(B) 2. Chooses not to employ or terminates the individual's employment because after receiving notice of the individual's criminal history or

(C) 3. Removes the individual who resides in the facility because after receiving notice of the individual's criminal history. (Continued)

(h) (Continued)

(1) Exemption denial notices shall specify the reason the exemption was denied.  
(Continued)

Authority Cited: Section 1569.30, Health and Safety Code.

Reference: Section 1569.17, Health and Safety Code; and ~~Section 42001, Vehicle Code.~~  
Gresher v. Anderson (2005) 127 Cal. App. 4<sup>th</sup> 88.

Amend Section 87454 to read:

- (b) Notwithstanding Section 87454(a) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1569.17(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 87219(e) prior to ~~the individual's employment, residence or initial presence~~ working, residing or volunteering in the facility.
- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1569.1749.
- (23) (Continued)

Authority Cited: Section 1569.30 and 1569.49(a), Health and Safety Code.

Reference: Sections 1569.17, 1569.33, 1569.335, 1569.35, 1569.485, and 1569.49, Health and Safety Code.

Amend Section 87819 to read:

87819 CRIMINAL RECORD CLEARANCE (Continued)

87819

- (e) Violation of Section 87819(d) will result in an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.

(1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.

(+2) (Continued)

- ~~(h) The Department shall notify the licensee and the affected individual associated with the facility, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.~~

~~(i h)~~ (Continued)

~~(j i)~~ (Continued)

~~(k j)~~ (Continued)

Authority Cited: Section 1568.072 and 1568.0822(e), Health and Safety Code.

Reference: Sections 1568.072, ~~and 1568.09~~ and 1568.22, Health and Safety Code.



Amend Section 87819.1 to read:

87819.1 CRIMINAL RECORD EXEMPTIONS (Continued)

87819.1

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 87819.1(c)(4). The Department will ~~send a written notice to~~ notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list ~~that lists~~ the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty five (45) days of the date of the Department's notice.

(1 A) (Continued)

(2 B) (Continued)

(3 C) (Continued)

(4 D) (Continued)

(A) 1. (Continued)

(B) 2. Chooses not to employ or t~~Terminates~~ the individual's employment because after receiving notice of the individual's criminal history or

(C) 3. Removes the individual who resides in the facility because after receiving notice of the individual's criminal history. (Continued)

(h) (Continued)

(1) Exemption denial notices shall specify the reason the exemption was denied.  
(Continued)

Authority Cited: Section 1568.072, Health and Safety Code.

Reference: Sections 1568.072, 1568.082, 1568.09, and 1569.092, ~~and 13143,~~ Health and Safety Code, and Greshner v. Anderson (2005) 127 Cal. App. 4<sup>th</sup> 88.

Amend Section 87854 to read:

- (b) An immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1568.09(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 87819(d) prior to ~~the individual's employment, residence or initial presence~~ working, residing or volunteering in the facility.
- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1568.09(b) 0822.
- (23) (Continued)

Authority Cited: Sections 1568.072 and 1568.0822(e), Health and Safety Code.

Reference: Sections 1568.072, 1568.0822, and 1568.09, Health and Safety Code.

Amend Section 88019 to read:

88019 CRIMINAL RECORD CLEARANCE

88019

(a) In addition to Section 80019, the following shall apply:

- (1) Prior to certification by the foster family agency, the applicant and all adults residing in the home shall obtain a criminal record clearance or exemption as specified in Health and Safety Code Section 1522~~must be obtained for all certified family home applicants and all other adults residing in the home.~~
  - (A) ~~Fingerprint and the Child Abuse Central Index checks (LIC 198A, 3/99 for state licensed facilities and (LIC 198 [4/99] for county licensed facilities) shall be submitted directly to the California Department of Justice by the foster family agency.~~
- (2) ~~The foster family agency shall directly submit to the California Department of Justice fingerprints for~~ Prior to being alone with or having supervisory control of children, all foster family agency personnel who have contact with children in accordance with Health and Safety Code Section 1522(b) shall obtain a California criminal record clearance or exemption as specified in Health and Safety Code Section 1522.
- (3) In addition to the requirements of 80019(d)(1)(A), Subsequent to certification, any all individuals subject to criminal record review pursuant to Health and Safety Code Section 1522 shall, prior to employment, residence or initial presence in the certified family home, be fingerprinted and sign a declaration regarding any prior criminal convictions or arrests for declare whether he/she has been arrested for any crime against a child, spousal cohabitant abuse or for any crime as provided in 80019.1(m) for which the Department cannot grant an exemption if the individual was convicted. The declaration shall also acknowledge that his/her continued employment, residence or presence in the facility is subject to approval of the Department.
  - (A) ~~The foster family agency shall submit the fingerprints to the California Department of Justice along with a second set of fingerprints for the purpose of searching the records of the Federal Bureau of Investigation or to comply with Section 80019(e), prior to the individual's employment, residence or initial presence in the home.~~
    1. ~~Fingerprints shall be submitted to the California Department of Justice by the foster family agency or sent by electronic transmission in a manner approved by the California Department of Social Services.~~

2. ~~A foster family agency's failure to submit fingerprints to the California Department of Justice or to comply with Section 87019(d) shall result in the citation of a deficiency, and the immediate civil penalties of one hundred dollars (\$100) per violation.~~

Authority Cited: Section 1530, Health and Safety Code.

Reference: Sections 1522, and 1522.07, ~~1530, and 1530.07~~, Health and Safety Code.

Amend Section 101170 to read:

101170 CRIMINAL RECORD CLEARANCE (Continued)

101170

(h) Violation of Section 101170(e) will result in an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.

(1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.

(+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.87199. (Continued)

~~(i) The Department shall notify the licensee and the affected individual associated with the facility, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.~~

~~(m l)~~ (Continued)

~~(n m)~~ (Continued)

~~(o n)~~ (Continued)

~~(p o)~~ (Continued)

~~(q p)~~ (Continued)

~~(r q)~~ (Continued)

Authority Cited: Sections 1596.81, and 1596.98(c), Health and Safety Code.

Reference: Sections 1596.81(b), ~~and 1596.871~~, and 1596.99, Health and Safety Code.

Amend Section 101170.1 to read:

101170.1 CRIMINAL RECORD EXEMPTIONS (Continued)

101170.1

(d) To request a criminal record exemption, a licensee or license applicant must submit information that indicates that the individual meets the requirements of Section 101170.1(c)(4). The Department will ~~send a written notice to~~ notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list ~~that lists~~ the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty five (45) days of the date of the Department's notice.

(1 A) (Continued)

(2 B) (Continued)

(3 C) (Continued)

(4 D) (Continued)

~~(A)~~ 1. (Continued)

~~(B)~~ 2. Chooses not to employ or terminates the individual's employment because after receiving notice of the individual's criminal history or

~~(C)~~ 3. Removes the individual who resides in the facility ~~because after receiving notice~~ of the individual's criminal history. (Continued)

(h) (Continued)

(1) Exemption denial notices shall specify the reason the exemption was denied.  
(Continued)

Authority Cited: Section 1596.81 ~~1596.871~~, Health and Safety Code.

Reference: Sections 1596.81(b), 1596.871, 1596.885, and 1596.8897, Health and Safety Code, and Gresher v. Anderson (2005) 127 Cal. App. 4<sup>th</sup> 88.

Amend Section 101195 to read:

- (b) Notwithstanding Section 101195(a) above, an immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed if any individual required to be fingerprinted under Health and Safety Code Section 1596.871(b) has not obtained a California clearance or a criminal record exemption, requested a transfer of a criminal record clearance or requested and be approved for a transfer of an exemption as specified in Section 101170(e) prior to ~~the individual's employment, residence or initial presence~~ working, residing or volunteering in the facility.
- (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.87199.
- (23) (Continued)

Authority Cited: Sections 1596.81 and 1596.893(b), Health and Safety Code.

Reference: Sections 1596.81(b), 1596.871, 1596.893, 1596.98 and 1596.99, Health and Safety Code.

Amend Section 102370 to read:

102370 CRIMINAL RECORD CLEARANCE (Continued)

102370

- (e) Violation of Section 102370(d) will result in a citation of a deficiency and an immediate assessment of civil penalties of one hundred dollars (\$100) per violation per day for a maximum of five (5) days by the Department.
  - (1) Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
  - (+2) The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.87+99. (Continued)
- (h) ~~The Department shall notify the licensee and the affected individual associated with the facility, in concurrent, separate letters, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.~~
- (+h) (Continued)
- (+i) (Continued)
- (j) A criminal record clearance may be transferred between state and county licensing agencies or between county licensing agencies provided:
  - (1) The transfer is to the same facility type.
  - (2) The individual and the licensing agency that processed the clearance submit a Substitute Agency Notification Request (BCII 9002) to the receiving licensing agency.
  - (3) The receiving licensing agency submits the Substitute Agency Notification Request (BCII 9002) to the Department of Justice.
  - (4) The Department of Justice approves the request and returns a completed BCII 9002 to the receiving agency. (Continued)

Authority Cited: Sections 1596.81, and 1596.98(c), Health and Safety Code.

Reference: Sections 1596.871, 1596.99, and 1597.59, Health and Safety Code.

Amend Section 102370.1 to read:



- (d) To request a criminal record exemption, a licensee or license applicants must submit information that indicates that the individual meets the requirements of Section 102370.1(c)(2)(D). The Department will ~~send a written notice to~~ notify the licensee or license applicant and the affected individual, in concurrent, separate notices, that the affected individual has a criminal conviction and needs to obtain a criminal record exemption.

(1) The notice to the affected individual shall include a list of the conviction(s) that the Department is aware of at the time the notice is sent that must be addressed in an exemption request.

(2) The notice will list ~~that lists~~ the information that must be submitted to request a criminal record exemption.

(3) The information must be submitted within forty five (45) days of the date of the Department's notice.

~~(1 A)~~ (Continued)

~~(2 B)~~ (Continued)

~~(3 C)~~ (Continued)

~~(4 D)~~ (Continued)

~~(A) 1.~~ (Continued)

~~(B) 2.~~ Chooses not to employ or t~~Terminates~~ the individual's employment ~~because~~ after receiving notice of the individual's criminal history or

~~(C) 3.~~ Removes the individual who resides in the facility ~~because~~ after receiving notice of the individual's criminal history. (Continued)

(n) (Continued)

(5) Exemption denial notices shall specify the reason the exemption was denied.  
(Continued)

(s) A criminal record exemption may be transferred between state and county licensing agencies or between county licensing agencies provided:

(1) The transfer is to the same facility type.

- (2) The individual and the licensing agency that processed the exemption submit a Substitute Agency Notification Request (BCII 9002) to the receiving licensing agency.
- (3) The receiving licensing agency submits the Substitute Agency Notification Request (BCII 9002) to the Department of Justice.
- (4) The Department of Justice approves the request and returns a completed BCII 9002 to the receiving agency.
- (5) The licensing agency approves the exemption transfer after considering the following:
  - (A) The basis on which the licensing agency granted the exemption;
  - (B) Whether the exemption was appropriately evaluated and granted.

(s t) (Continued)

(t u) (Continued)

(u v) (Continued)

(v w) (Continued)

Authority Cited: Sections 1596.81 and 1596.871, Health and Safety Code.

Reference: Sections 1596.871, 1596.81(b), 1596.885, 1596.8897, and 1597.59(b), Health and Safety Code; and Section 42001, Vehicle Code. and Greshner v. Anderson (2005) 127 Cal. App. 4<sup>th</sup> 88.

Amend Section 102395 to read:

102395      PENALTIES

102395

- (a)      An immediate penalty of \$100 per cited violation per day for a maximum of five (5) days shall be assessed for the following:
- (1)      Failure to obtain a California clearance or a criminal record exemption, request a transfer of a criminal record clearance or request and be approved for a transfer of an exemption as specified in Section 102370(d) for any individual required to be fingerprinted under Health and Safety Code Section 1596.871 prior to ~~the individual's employment, residence or initial presence~~ allowing the individual to work, reside or volunteer in the facility.
- (A)      Subsequent violations within a twelve (12) month period will result in a civil penalty of one hundred dollars (\$100) per violation per day for a maximum of thirty (30) days.
- (AB)      The Department may assess civil penalties for continued violations as permitted by Health and Safety Code Section 1596.87199. (Continued)

Authority Cited:    Sections 1596.81 ~~and 1596.871(g)~~, Health and Safety Code.

Reference:            Sections 1596.871, 1596.8712(d) and 1596.99, Health and Safety Code.